

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Annuity, Pension, Welfare and Apprenticeship
Skill Improvement & Safety Funds of the
International Union of Operating Engineers Local
137, 137A, 137B, 137C & 137R et al

Case No. 08 CIV 3704

Plaintiffs,

ANSWER TO
COMPLAINT

M.V.M. CONTRACTING CORP.,

Assigned Judge:
Hon. Charles L. Brieant

Defendant.

Defendant, M.V.M. Contracting Corp., ("M.V.M.") by and through its attorney
CHARLES T. BISTANY, ESQ. as and for its Answer to the Complaint alleges as follows:

1. Denies knowledge and information sufficient to form a belief with respect to the allegations contained in paragraphs numbered "1", "2", "3", "4", "5", "6", "7", "8", "9", "13", "15", "16", "17", "23", "25", and "26", of the Complaint.

2. Denies each and every allegation contained in paragraphs numbered "11", "12", "18", "19", "20", "21", "22", "27", and "28" of the Complaint.

AS AND FOR AN AFFIRMATIVE DEFENSE

3. Defendant has made full or partial payment of any sums that may be due to Plaintiff.

WHEREFORE, Defendant M.V.M. Contracting Corp. prays that the Complaint be dismissed together with costs and disbursements.

Dated: White Plains, NY
June 30, 2008

CHARLES T. BISTANY, ESQ. (CTB-6664)
Attorney for Defendant
M.V.M. CONTRACTING CORP.
399 Knollwood Road
White Plains, NY 10603
Tel: 914 - 328-0068

TO: BRADY MCGUIRE & STEINBERG, P.C.
Attorneys for Plaintiffs
603 Warburton Avenue
Yonkers, NY 10706